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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
    Jay Paul Drummond, et al.)
) Art Unit: **2161**
Serial No.: **09/193,787**)
)
Filed: **November 17, 1998**) Examiner: **Jalatee Worjloh**
)
For: **Automated Banking Machine**)
    Apparatus And System)	

DECLARATION PURSUANT TO 37 C.F.R. § 1.131

Commissioner for Patents
Washington, D.C. 20231

Sir:

    I, Jay Paul Drummond, hereby declare as follows:

    1. At all times relevant hereto I was employed as Senior Principal Engineer with InterBold, a wholly owned subsidiary of Diebold, Incorporated ("Diebold") the Assignee of the above-identified patent application, and I am authorized on behalf of Diebold to present this Declaration.

    2. I am also a joint inventor of the invention claimed in the above-identified patent application and have personal knowledge of the facts set forth herein. I am the sole inventor of the subject matter described and claimed in at least claims 1-4, 6-19, and 22-27 thereof.

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3. At a time prior to July 7, 1996 in North Canton, Ohio, I conceived of an invention which was an automated banking machine, such as an automated teller machine ("ATM"), that would be connected to the Internet or to a private intranet. The ATM, including a computer, would operate to carry-out ATM transaction functions, such as the reading of customer cards such as debit cards and the dispense of sheets such as bank notes, in response to receiving Hypertext Markup Language ("HTML") documents by the ATM through either the Internet or a private intranet, or both. This idea was conceived of by myself in the course of my employment with InterBold, which is a wholly owned subsidiary of Diebold and is now also called Diebold Self-Service Systems.

4. After conceiving of this ATM invention, Dale Blackson, who was an engineering Director, and I had a meeting in North Canton, Ohio, prior to July 7, 1996 to discuss making an ATM in accordance with the invention. At that time InterBold was also working on a project called "MOSS" which was a project to be able to use multiple types of operating systems on the computer of an ATM, instead of only IBM OS/2 which was used on Diebold ATMs at that time. During our meeting Blackson and I discussed how this new ATM would use software that includes a browser to process documents, such as HTML documents, to provide the screen displays and control the transaction function devices in the ATM. After our meeting Blackson sent to me and others at InterBold the e-mail message attached as Exhibit A hereto. The dates in Exhibit A which have been deleted, are all prior to July 7, 1996.

5. Prior to July 7, 1996, Blackson, in his capacity as engineering Director, gave instructions for me to proceed with the development of a demonstration ATM system to prove that the new ATM concept would work.

6. Prior to July 7, 1996, I and other inventors at InterBold in North Canton, Ohio made an ATM which included a computer having a Microsoft Windows® operating system and Netscape® browser software. Prior to July 7, 1996 we developed a series of HTML documents in which processing of a certain number of the documents by the ATM caused the ATM to generate screen displays that guided a user in the operation of the ATM. We also included in HTML documents, embedded code which comprised instructions that caused operation of a card reader, a cash dispenser, and other transaction function devices included in the ATM.

7. Prior to July 7, 1996, I and other inventors at InterBold made and operated a system in North Canton, Ohio which included an HTTP server computer which delivered the series of HTML documents to the ATM. The server computer was connected to the ATM through a local TCP/IP intranet. The computer in the ATM included the Netscape® browser software, Microsoft Windows® software and other software written by myself and other inventors. This software on the ATM operated to produce the screen displays on the ATM in response to HTML documents processed by the browser to guide a user in operating the ATM. The software on the ATM also caused the card reader, cash dispenser and other devices in the ATM to operate in response to processing the HTML documents and the embedded code contained therein.

8. The system was tested prior to July 7, 1996 and was operated successfully to carry out reading data on a magnetic stripe card, cash dispensing and other transaction functions. The computer in the ATM operated to access network addresses associated with HTML documents on the HTTP server computer in response to data read from a card input to the card reader on the ATM. HTML documents accessed from the HTTP server computer generated display screens on the ATM, and the ATM dispensed currency notes from a bill dispenser in the ATM in response to instructions included in the HTML documents.

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9. This testing which was conducted prior to July 7, 1996 was successful, and established that the invention that is claimed in at least claims 1-4, 6-19, and 22-27 in the above-referenced patent application would work for its intended purposes. For example, the system that was tested and operated successfully prior to July 7, 1996, operated in accordance with the method recited in claim 11 of the above-referenced patent application to:

a)   operate a browser in at least one computer in operative connection with an automated banking machine;

b)   receive at least one document, having at least one transaction instruction embedded therein, with the browser; and

c)   carry out at least one transaction function with a transaction function device in the automated banking machine responsive to the at least one document.
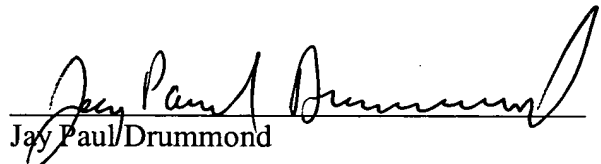
10. The testing described above in this Declaration which was conducted prior to July 7, 1996, was considered successful and permission to develop a commercial ATM product based on the invention was requested from Diebold management. A series of presentation screens was developed by the inventors for purposes of requesting the necessary resources to begin development of a commercial product based on the invention. These presentation screens were used as part of the presentation made to Alben W. Warf, Vice President of Diebold, prior to July 7, 1996. Copies of the presentation screens are attached hereto as Exhibits B-C. All dates deleted from Exhibits B-C are prior to July 7, 1996.

11. Authorization to develop a commercial product based on the invention was granted by Mr. Warf. This commercial product was successfully developed and the first version of this product was introduced at the 1996 Bank Administration Institute Retail Delivery Show after the

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filing of U.S. Provisional Patent Application Serial Number 60/031,956 on November 7, 1996, from which the above-identified patent application claims priority.

12. As can be seen from Exhibits A-C, the invention claimed in the above-identified patent application was completed by being conceived and reduced to practice in the U.S. prior to July 7, 1996.

I hereby declare that all statements herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C.§1001), and may jeopardize the validity of the application or any patent issuing thereon.

Jay Paul Drummond

1-23-02
Date

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